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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,076	03/16/2001	Thomas D. Petite	81607-1140	6296
7590	07/29/2004		EXAMINER	
Daniel R. McClure THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P. 100 Galleria Parkway, N.W., Suite 1750 Atlanta, GA 30339-5948			LA, ANH V	
			ART UNIT	PAPER NUMBER
			2636	
			DATE MAILED: 07/29/2004	5

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/811,076	PETITE, THOMAS D.
	Examiner	Art Unit
	Anh V La	2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10 May 2004.

2a) This action is **FINAL**.                                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-9 and 66-72 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 5-9 is/are allowed.

6) Claim(s) 1-3,66 and 70-72 is/are rejected.

7) Claim(s) 4 and 67-69 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

**DETAILED ACTION**

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
  
2. The claims are objected to because in claims 67-72, line 1, the phrases "The detection device" should be changed to --The smoke detector--.
  
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 66, and 70-72 are rejected under 35 U.S.C. 102(e) as being anticipated by Weiss (US 5,905,438).

Regarding claim 1, Weiss discloses a smoke detector comprising a smoke sensor 20 (column 4, line 60- col. 5, line 50) for sensing a smoke condition and outputting an alarm signal upon detecting a smoke condition, an alarm 30, 34, connected to the smoke sensor, for indicating a smoke condition upon detection of the alarm signal, and a communication device connected to the smoke sensor, receiving the alarm signal and wirelessly transmitting an indicator of the smoke condition in a predetermined message format to a remote monitoring device upon detection of the alarm signal, each communication device having an unique address (column 6, line 46- col. 7, line 45).

Regarding claim 66, Weiss discloses digital modulation (col. 11, lines 1-65, col. 13, line 1- col. 14, line 30.

Regarding claim 70, Weiss discloses radio frequency (RF) communication (col. 13, line 20- col. 14, line 17).

Regarding claim 71, Weiss discloses a low powered RF communication (col. 3, lines 5-25).

Regarding claim 72, Weiss discloses the digital modulation being encoded using on-off keying (see figures 6A-7A).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss in view of Morris.

Regarding claim 2, Weiss discloses all the claimed subject matter as set forth above in the rejection of claim 1, and further discloses the smoke sensor being an ionic type (col. 10, lines 25-27), but does not disclose the smoke sensor being a photodetection smoke sensor. Morris teaches the use of a smoke sensor being an ionic type or a photodetection smoke sensor (col. 2, lines 40-50). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include the smoke sensor being a photodetection smoke sensor to the detector of Weiss as taught by Morris for the purpose of effectively monitoring the presence of an environmental condition of fire or smoke in a protected area.

Regarding claim 3, Weiss discloses an audible alarm 30 (col. 8, lines 20-38).

7. Claims 4 and 67-69 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 5-9 are allowed.

#### **Answers to Remarks**

9. Applicant's arguments filed on May 10, 2004 have been fully considered.

Applicant's arguments with respect to claims 1-3, 66, and 70-72 have been considered but are moot in view of the new ground(s) of rejection.

**THIS ACTION IS MADE NON-FINAL.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh V La whose telephone number is (703) 305-3967. The examiner can normally be reached on Mon-Fri from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on (703) 305-4717. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**ANH V. LA**  
**PRIMARY EXAMINER**

Anh V La  
Primary Examiner  
Art Unit 2636